

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CRAIGVILLE TELEPHONE CO. d/b/a) ADAMSWELLS; and CONSOLIDATED) TELEPHONE COMPANY d/b/a CTC)) Plaintiffs,))) vs.)) T-MOBILE USA, INC.; and) INTELIQUENT, INC.)) Defendants.))	No. 1:19-cv-07190 Judge Sharon Johnson Coleman Magistrate Judge Jeffrey T. Gilbert
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**PLAINTIFFS’ SECOND MOTION TO COMPEL PRODUCTION OF CERTAIN
DOCUMENTS AGAINST T-MOBILE AND MOTION TO COMPEL
SUPPLEMENTAL RESPONSE TO ONE RELATED INTERROGATORY**

Craigville Telephone Co. d/b/a AdamsWells and Consolidated Telephone Company d/b/a CTC, on behalf of themselves and a class of similarly-situated companies (collectively, “Plaintiffs”), respectfully move the Court for an Order Compelling T-Mobile USA, Inc. (“TMUS”) to respond to the following of Plaintiffs’ Second Requests for Production of Documents (“2nd RFPs”) and to supplement one related Interrogatory:

- (1) Plaintiffs’ Second Set of RFPs No. 1-2 which seek a limited scope of email and Skype communications regarding TMUS’s expansion of its use of fake ring tones; and
- (2) Plaintiffs’ Second Set of RFPs No. 25, 26, & 28, and Interrogatory No. 18, which seek certain documents and information about communications between TMUS and Inteliquent, Inc. (“Inteliquent”) concerning the service credits TMUS was entitled to request from Inteliquent if Inteliquent failed to satisfy contractually required service quality levels (*see* ECF 94-13 § 12).

As set forth in the accompanying Memorandum, the information sought by these requests is relevant, narrowly tailored, and not any more burdensome on TMUS than searching for and producing other categories of information it has already produced.

Local Rule 37.2 Certification

This Motion complies with Local Rule 37.2. On November 4, 2022, Plaintiffs sent TMUS a deficiency letter concerning TMUS's responses to Plaintiffs' Second Set of Request for Production of Documents, as well as its Interrogatory responses. (Ex. 1.) Plaintiffs and TMUS attended a video meet and confer on December 1, 2022 to discuss the matters raised by Plaintiffs' letter, which included discussion about the 2nd RFPs that are the subject of this Motion. On December 5, 2022, Plaintiffs sent TMUS an email communication outlining some record cites that Plaintiffs raised during the meet and confer with respect to Second RFPs 25-28. (Ex. 2.) On December 8, 2022, TMUS wrote Plaintiffs a letter following up on the December 1, 2022 meet and confer, confirming that it would not respond to 2nd RFPs 1-2 at all. (Ex. 3.) With respect to 2nd RFPs 25-28, TMUS reiterated numerous objections, but stated it would investigate the points raised by Plaintiffs' December 5, 2022 email discussing TMUS's records custodian deponent's testimony that Plaintiffs asserted identified custodians and sources for the information sought by these 2nd RFPs. (*Id.*) On December 9, 2022, Plaintiffs responded with another letter confirming that the parties were at an impasse as to Second RFPs 1-2, and responding to the other points in TMUS's December 8th letter. (Ex. 4.) Separately, on December 13, 2022, undersigned counsel participated in a video meet and confer with counsel for TMUS concerning numerous interrogatory deficiencies, including TMUS's response to Interrogatory No. 18 concerning service credit communications. TMUS advised it was still investigating based on the issues raised by Plaintiffs' December 5, 2022 email. On December 28, 2022, TMUS's counsel sent undersigned counsel an

email advising that it would not amend its response to Interrogatory No. 18. (Ex. 5.) On January 9, 2023, having received no amended responses or other follow up from TMUS in response to Plaintiffs' December 9, 2022 letter, Plaintiffs emailed TMUS and asked for responses on the outstanding issues identified in their December 9, 2022 letter. (Ex. 6.) TMUS responded on January 10, 2022 confirming that the parties are at an impasse on the 2nd RFPs that are the subject of this Motion. (*Id.*)

In Magistrate Judge Gilbert's September 15, 2021 Order (ECF No. 158), the Court expressed a preference for joint motions to resolve discovery disputes if possible, and noted that if a party wanted to use a different procedure for discovery motions it should inform the Court. On December 9, 2022, TMUS refused to participate in the joint status report format with respect to Plaintiffs' Motion to Supplement their Renewed Motion to Compel because Plaintiffs' portion of the Joint Status Report Plaintiffs allegedly contained statements and rhetoric TMUS did not agree with. (*See* ECF 323 at LR 37.2 Certification.) Given that Plaintiffs' portion of a Joint Status Report with respect to this motion to compel would rest almost exclusively on statements and arguments with which TMUS does not agree, Plaintiffs assert that preparing a draft joint status report for this contentious motion would be futile.

WHEREFORE, Plaintiffs respectfully request that the Court grant the relief sought by their Second Motion to Compel Production of Certain Documents Against TMUS and Motion to Compel Supplemental Response to One Related Interrogatory.

Submitted on this 3rd day of February, 2023.

/s/ David T.B. Audley

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CERTIFICATE OF SERVICE

I hereby certify that on this the 3rd day of February, 2023, I served the foregoing **Plaintiffs' Second Motion to Compel Production of Certain Documents Against T-Mobile and Motion to Compel Supplemental Response to One Related Interrogatory** via the ECF system on parties that have consented to the same in accordance with applicable Federal Rules of Civil Procedure and the Local Rules of the U.S. District Court for the Northern District of Illinois.

By: /s/ David T.B. Audley